

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

GIANT EAGLE, INC. and HBC SERVICE)	
COMPANY,)	
)	
Plaintiffs and Counterdefendants,)	Civil Action No. 2:19-cv-904
)	
v.)	Hon. Arthur J. Schwab
)	
AMERICAN GUARANTEE AND)	
LIABILITY INSURANCE COMPANY,)	
)	
Defendant and Counterclaimant, and)	
)	
XL SPECIALTY INSURANCE COMPANY,)	
)	
Defendant and Counterclaimant.)	
)	

**MOTION OF PLAINTIFFS GIANT EAGLE, INC. AND HBC SERVICE CO.
FOR PARTIAL SUMMARY JUDGMENT ON THE DUTY TO DEFEND**

Plaintiffs Giant Eagle, Inc. and HBC Service Company (together, “Giant Eagle”), respectfully move this Court pursuant to Fed. R. Civ. P. 56 for an Order granting partial summary judgment and declaring, pursuant to Count I of Giant Eagle’s First Amended Complaint for Declaratory Judgement and Damages, that Defendants American Guarantee and Liability Insurance Company and XL Specialty Insurance Company are obligated to defend Giant Eagle against certain underlying lawsuits seeking to recover damages for alleged harm from Giant Eagle’s distribution and dispensing of prescription opioids.

The specific bases for Giant Eagle’s motion are set forth in the attached Memorandum of Points and Authorities and are further supported by the separate Statement of Material Facts, Declarations and Exhibits, as well as the pleadings in this action.

DATED: December 12, 2019

Respectfully submitted,

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